

### **REMARKS**

In the Office action mailed on October 18, 2006, the Examiner objected the Specification, and claims 4 to 10. In addition, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b).

By means of the present Amendment, claims 1-10 have been amended to address matters of form and new claims 11-15 have been introduced to capture subject matter lost in the amendment of claims 1-10. In addition, the Specification has been amended to provide a new Abstract of the Disclosure and to correct various typographical errors in the description. Applicant submits that no new matter has been introduced in the present Amendment. Support for these amendments may be found, for example, in originally-filed claims 1-10, as well as on pages 4, 8, 9, 10, 11 and 14 of the originally-filed application.

In view of the amendments to the Claims and Specification, together with the following remarks, Applicant respectfully requests reconsideration and withdrawal of all grounds of rejection and objection.

#### **Objection to the Abstract**

The Examiner objected to the abstract for including more than 150 words. In addition, the Examiner reminded Applicant that the language of the Abstract should be clear and concise and should avoid using phrases which can be implied.

In response, Applicant has presented a replacement Abstract. This new replacement Abstract includes less than 150 words and is written in a clear and concise manner. Applicant respectfully submits that the replacement Abstract is based on and supported by the originally-filed Abstract. Thus, no new matter will be introduced by its entry.

Applicant believes that upon the entry of the replacement Abstract, all of the Examiner's objections and concerns will have been fully addressed and corrected. As a result, Applicant respectfully requests reconsideration and removal of any objection to the Abstract of the Specification.

### **Objection to the Specification**

The Examiner objected to the Specification for including several typographical errors on pages 9 and 10 of the originally-filed application. Applicant has amended these paragraphs to correct these errors. Accordingly, Applicant requests reconsideration and removal of any objection to the Specification.

### **Objection to the Claims**

The Examiner objected to claims 4 to 10 under 37 C.F.R. § 1.75(c) as being in improper multiple dependent form. Specifically, claims 4 to 10, which are multiple dependent claims, refer back to other multiple dependent claims. As a result of this improper form, the Examiner was unable to address claims 4-10 on their merits.

To address this claim objection, Applicant has amended claims 4 to 10 and has added new claims 11 to 15 to remove the improper multiple dependent form. Applicant believes that the amendment to claims 4 to 10 address and cures all informalities with these claims. Accordingly, Applicant respectfully requests removal of any claim objection. Applicant also requests that claim 4 to 15 be examined on their merits.

### **Rejection of Claims 1-3 Under 35 U.S.C. § 102(b)**

Independent claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,245,518 to Reibel et al. (hereinafter Reibel). In order for a claim to be anticipated, the prior art reference must teach each and every element of Applicant's claim. Applicant respectfully submits that Reibel fails to teach each any every element of Applicant's independent claim 1.

Applicant's claim 1 is directed to a device for continuous delivery of bags. Applicant's claim 1 requires that the device include at least one bag delivery device and at least one linear continuously operating conveyor. Applicant respectfully submits that Reibel fails to teach (1) a device for continuous delivery of bags, (2) a device that includes a bag delivery device, and (3) a device that includes a linear continuously operating conveyor.

Reibel discloses a molded plastic toothed belt used to advance articles of merchandise, such as food, towards a delivery chute. See, for example, col. 1, lines 11-13 and lines 24-27 and

col. 2, lines 18-26). There is no teaching or, for that matter, suggestion within Reibel that the plastic toothed belt could be used to transport and deliver bags.

Applicant respectfully submits that a bag is not comparable with an article of merchandise. A bag is a sensitive and flexible object, which may in the case of improper transport easily cant or fall down. This may even lead to damage of the bag and/or the molded toothed belt. In contrast to the solid articles transported in Reibel (e.g., food), when handling bags it has to be assured that the transport towards, for example, a filling or sealing station is carried out very carefully and without vibrations, shocks or the like. Since Reibel fails to teach or suggest any elements especially adapted for the transport of bags (such as a bag receiver), Applicant respectfully submits that Reibel fails to teach a device for the continuous delivery of bags.

Reibel also fails to teach a bag delivery device. Applicant's claim 1 requires the presence of bag delivery devices. As described on pages 9 and 10 and shown as element 8 in FIG. 4 of Applicant's specification, bag delivery devices (8) deliver the bags (3) to open bag receivers (2) located on the linear conveyors. Reibel is silent with respect to a bag delivery device or any type of delivery device. In fact, none of Reibel's figures shows any type of delivery device, nor does Reibel describe a delivery device within his disclosure. Thus, Applicant respectfully submits that Reibel fails to teach or suggest this element of Applicant's claim.

Finally, Applicant submits that Reibel fails to teach a linear continuously operating conveyor. To the contrary, according to column 4, lines 48 to 52 of Reibel, the plastic toothed belt is operated in a cyclical and not a continuous manner. Specifically, Reibel describes that the timing operations of the belt are performed in response to movements of rollers 22 rather than in a continuous manner. Furthermore, Reibel states that a predetermined movements of the belt occurs in response to a given rotation of the wheel 22. See column 4, lines 51-52. These passages of Reibel indicate that Reibel's belt operates in a cyclical or at least variable manner, and not in a continuous manner (via the linear continuously operating conveyor) as claimed by Applicant.

In order to anticipate Applicant's claim 1, Reibel must teach each and every element claimed therein. Applicant respectfully submits that Reibel does not anticipate claim 1, because Reibel fails to teach a device for continuous delivery of *bags*. In addition, Applicant submits that

Reibel fails to anticipate claim 1, because Reibel fails to disclose a device that includes *a bag delivery device*. Finally, Reibel fails to anticipate Applicant's claim 1, because Reibel fails to teach a device that includes *a linear continuously operating conveyor*. As a result, Applicant requests reconsideration and removal of the 35 U.S.C. § 102(b) rejection of claim 1 and all of its dependent claims.

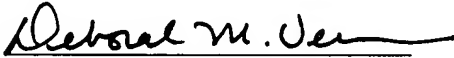
### CONCLUSION

In view of the foregoing, Applicant respectfully submits that the claims 1-15 are in condition for allowance and request favorable action. The Examiner is welcome to contact Applicant's attorney at the number below with any questions.

Respectfully submitted,

February 20, 2007

Tel. (617) 526-9836  
Fax (617) 526-9899

  
Deborah M. Vernon  
PTO Reg. 55,699  
Attorney for the Applicant  
Proskauer Rose LLP  
One International Place  
Boston, MA 02110  
Customer No.: 21890